

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

908 WRIT PETITION NO. 8910 OF 2016

SHANTILAL PURUSHOTTAM PATIL AND ANOTHER
VERSUS
PRATIBHADEVI PRATAPRAO MATKAR AND ANOTHER

...
Advocate for Petitioners : V.A. Maney h/f. Pingale Durgesh M.
...

CORAM : T.V. NALAWADE, J.
DATED : 18th August, 2016.

ORDER :

1. The writ petition is filed to challenge the order made on Exh. 37 in Regular Civil Suit No. 65/2012 by the learned Civil Judge, Junior Division, Shahada, District Nandurbar. It appears that the defendants, present petitioners want to cross examine plaintiff No. 2. The Trial Court has already made order of closing the evidence of plaintiffs. The Trial Court has given reasoning for rejection of the application in the order at para No. 5 and the blame is put on the defendants for not taking the opportunity to cross examine plaintiff No. 2.

2. This Court has carefully gone through the pleadings from the plaint and written statement. The dispute is in respect of some open space situated adjacent to the construction of plaintiffs and defendants. It is the case of defendants that they

have purchased the disputed space from plaintiffs and they are the owners of this space. If that is so, the document itself will prove the title and oral evidence will not be having much importance. In view of these circumstances, this Court holds that it is not desirable to protract the things by giving opportunity to defendants to cross examine plaintiff No. 2. So, the petition stands dismissed.

3. Authenticated copy is allowed to learned counsel for the petitioner.

[T.V. NALAWADE, J.]

SSC/